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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,841	02/20/2002	Bruce Carlin	CAR 0002CIP	4479

7590 11/14/2006  
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EXAMINER

THERIAULT, STEVEN B

ART UNIT PAPER NUMBER

2179

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

10/081,841

Examiner

Steven B. Theriault

Applicant(s)

CARLIN, BRUCE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 April 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of 1 month(s)) which expired on \_\_\_\_\_.
  - (b) ☒ A proposed reply was received on 02 November 2006, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

BA HUYNH  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: Examiner contacted the applicant and spoke to Applicant's Attorney William Fuess on 11/02/2006. The Attorney stated that a response had been sent of 08/28/2006. The Examiner stated that the record did not in fact show a response from the Applicant and verbally requested the Applicant resend the transmission along with proof of mailing to the PTO. Applicant's Amendment received on 11/02/2006 does not constitute a proper reply as noted above because the amendment is non-compliant for the following reasons. 1) The amendment is not signed, 2) a complete set of claims is not attached, 3) the arguments are not complete (See page 8) and 4) there is no conclusion. Further, the Examiner can find no proof in the submission that the mailing did transpire on the 08/28/2006 date. Finally, the period for reply cannot be extended in an after final situation, as per item 1.b., unless a proper reply has been submitted where the reply places the application in condition for allowance, is a timely filed appeal or application for RCE. In the instant case, the applicant's submission does not place the application in a condition for allowance at least for the reasons previously stated. Applicant's submission will not be entered into the record for the above reasons since it raises new issues and may possibly confuse the record.

BA HUYNH  
PRIMARY EXAMINER